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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/801,415	03/15/2004	Tomas Smetana	P/4476-3	1960

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EXAMINER	
AFZALI, SARANG	

ART UNIT	PAPER NUMBER
3726	

MAIL DATE	DELIVERY MODE
09/10/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/801,415	SMETANA ET AL.	
	Examiner	Art Unit	
	SARANG AFZALI	3726	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *After Final filed 8/18/2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1 and 3-6* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1 and 3-6* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *15 March 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. The applicant's amendment filed on 10/8/2007 and the After Final Rejection response filed on 8/18/2008 have been fully considered and made of record.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1 and 3-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Franke (US 6,267,712) in view of Buckwalter (US 1,643,977).

As applied to claim 1, Franke teaches a subassembly comprised of at least two machine parts including: an outer machine part (4 comprising a tensioning roller 3, Figs.1 & 2) having an internal circumferential surface and a cooperating inner machine part (5 comprising a raceway ring of a bearing 6, Figs. 1 & 2) having an external circumferential surface wherein the internal circumferential surface of the outer machine part and the external circumferential surface of the inner machine part are fastened one over the other by means of compression connection (frictionally connected) such that the outer and inner machine parts being so positioned along an axis with respect to each other that they overlap and the dimensions of the inner and outer machine parts radially overlap.

Franke teaches the claimed invention including a well-known compression connection of frictionally connecting the inner and outer members with each other but does not explicitly teach that the outer machine part is made of steel and is deformed radially outward into the plastic range of material strain.

However, Buckwalter teaches an assembly method between two machine parts including an inner part (roller bearing cup 6, Fig. 7) fastened to an outer part (hub 1, Fig. 7) by means of a compression connection wherein the outer part (hub 1, Fig. 7) is deformed radially outward into the plastic range of material strain (Fig. 7, lines 85-92).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention to have provided the connection of Franke with the step of plastically deforming the outer part in a radial outward direction as taught by Buckwalter, in order to provide a secure connection between the inner and outer machine parts.

Buckwalter further teaches (page 1, lines 50-54) that the outer part (hub 1, Fig. 7) is made of steel to allow the plastic flow of the material in the radial direction during the compression connection of the parts.

Therefore, it would have further been obvious to one of ordinary skill in the art, at the time of the invention to have provided steel as the material for the outer machine part of Franke as taught by Buckwalter, in order to allow the plastic flow of the outer part in a radial outward direction resulting in a secure connection between the inner and outer machine parts.

4. Regarding the limitations of claim 3 pertaining to the contraction of the inner machine part corresponding to the level of contraction of the outer machine part at maximum overlap of the compression connection for elastic deformation of the outer machine part and the limitations of claim 4 pertaining to the contraction of the inner machine part corresponding to the level of contraction of the outer machine part at maximum overlap of the compression connection for elastic deformation of the outer machine part, note that: "[E]ven though product-by-process claims are limited by and defined by the process, determination of patentability is based on the product itself. The patentability of a product does not depend on its method of production. If the product in the product-by-process claim is the same as or obvious from a product of the prior art, the claim is unpatentable even though the prior product was made by a different process." In re Thorpe, 777 F.2d 695, 698, 227 USPQ 964, 966 (Fed. Cir. 1985).

5. Regarding claims 5 and 6, the particular dimensions of the raceway ring and running disk is considered to be an obvious matter of design to a person of ordinary skill in the art, at the time of the invention, depending upon the desired strength characteristics and side that the pressure roller needs to be.

Since applicant did not traverse the examiner's assertion of Official Notice that using the claimed diameter and thickness, are well-known in the art, such assertion is taken to be admitted prior art. It would have been obvious to have provided the claimed diameter and thickness, in order to provide a desired bearing assembly.

Response to Arguments

6. Applicant's remarks in an After Final Rejection response filed 8/18/2008 have been considered and the argument regarding the "steel" as the material for the outer machine part is persuasive. Therefore, a new Final Rejection is made.

7. Applicant's arguments with respect to claims 1-6 have been considered but are moot in view of the new ground (s) of rejection.

8. Applicant's arguments with respect to the enablement and lack of written description of claims 1-6 are persuasive and as such the rejections of claims 1-6 under 35 USC 112, first paragraph are withdrawn.

9. The amendment to claim 1 by incorporating the limitations of dependent claim 2 into the claim 1 and canceling of claim 2 is acknowledged and as such the rejection of claim 1 as being anticipated by Russ et al. is withdrawn.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SARANG AFZALI whose telephone number is (571)272-8412. The examiner can normally be reached on 7:00-3:30 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bryant can be reached on 571-272-4526. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Sarang Afzali/
Examiner, Art Unit 3726
5/12/2008

/David P. Bryant/
Supervisory Patent Examiner, Art Unit 3726